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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,283	02/14/2002	Anthony Viole	FORFLOW.008CP1	4212

20995 7590 04/09/2008  
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IRVINE, CA 92614

EXAMINER
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BOCKELMAN, MARK

ART UNIT	PAPER NUMBER
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3766

NOTIFICATION DATE	DELIVERY MODE
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04/09/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
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## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2-27-2008 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 55-62, 64-65 and 67-69 are rejected under 35 U.S.C. 102(b) as being anticipated by Sandmore USPN 6,059,760.

Applicant's recitation of the distal tip shown in figure 13, which is believed to be what is attempted to be claimed. Viewing figure 16 of Sandmore, the examiner gives the broadest reasonable interpretation to proximal, which can mean proximate. In this regard the examiner considers the proximal point to be a point proximate, or otherwise thereon the central axis, generally inside the lumen at point 32. A curved surface extends from that point to the outflow apertures. About half way around the curve is a

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point that forms an apex of the curve which is distal (away from) the proximal point. Most of the blood is directed outward and substantially avoids going out the distal top. The rounded tip is hemispheric, and a generally parabolic curve can be seen between the central axis to the opening with the apex in the middle. The device has additional apertures that are capable of performing the function of claim 68 depending on how it is used.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 63 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandmore USPN 6,059,760. To have used square holes or a radiopaque marker would have been obvious modifications well known to the art and would not alter the function of the device. The radiopaque marker would allow positioning of the device in the body as desired as well notoriously well known.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark W. Bockelman whose telephone number is (571) 272-4941. The examiner can normally be reached on Monday - Friday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Layno can be reached on (571) 272 -4949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark W Bockelman/  
Primary Examiner, Art Unit 3766  
March 31, 2008